

(AS)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 DEC 26 AM 11:34

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
07 MJ 2977

UNITED STATES OF AMERICA,

Plaintiff,

v.

Edgardo DELGADO-Aguilera,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:


Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **December 24, 2007**, within the Southern District of California, defendant, **Edgardo DELGADO-Aguilera**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF **DECEMBER** **2007.**


Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Edgardo DELGADO-Aguilera

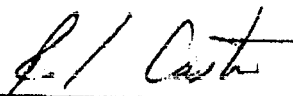
PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On December 24, 2007, at approximately 3:30 a.m., Border Patrol Agents G. Rivera and J. Smith were performing line watch duties near an area known to Border Patrol Agents as "Johnny Wolf's", which is located approximately three miles east of the Otay Mesa, California Port of Entry, and approximately two-hundred yards north from the United States/Mexico International Boundary. At approximately 3:45 a.m. Agent Smith and Agent Rivera responded to the night Scope operator, who spotted two individuals walking north near an area known to Border Patrol Agents as the "Pole Line Road", which is located approximately one mile east of the Otay Mesa, California Port of Entry, and approximately one-hundred yards north from the United States/Mexico International Boundary. The scope operator guided Agent Rivera and Agent Smith to an area where he had last spotted the two individuals. The Agents encountered the two individuals hiding in the brush in the area where had last spotted them. Agent Rivera and Agent Smith identified themselves as United States Border Patrol Agents, and approached the two individuals. One of the individuals later identified as the defendant **DELGADO-Aguilera, Edgardo** began running south. At this time Agent Smith ordered the defendant to stop, and he did not comply with his command. The defendant continued running until he saw other Agents after him. He turned around and began running west, the defendant continued to disobey verbal commands. At this time Agent Rivera and Agent Smith apprehended the defendant, and conducted an immigration interview. Agent Smith asked the defendant of what country he was a citizen or national. The defendant replied, "Mexico". Agent Smith then asked the defendant if he had any documents that would allow him to be present or remain in the United States legally. The defendant replied, "No". At approximately 3:50 a.m. The Agents took the defendant, and the other individual into custody, and made arrangements to have them transported to Chula Vista Border Patrol Station for processing.

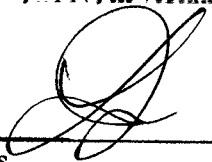
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on April 7, 2007, through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on December 25, 2007 at 9:30 a.m.



Raul Castorena
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 24, 2007, in violation of Title 8, United States Code, Section 1326.



Leo S. Papas
United States Magistrate Judge

12/25/07 - 11:25AM

Date/Time